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AN ACT

RELATING TO ANIMALS; PROHIBITING COCKFIGHTING; CHANGING
PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-18-1 NMSA 1978 (being Laws 1999,
Chapter 107, Section 1, as amended) is amended to read:

"30-18-1. CRUELTY TO ANIMALS--EXTREME CRUELTY TO
ANIMALS--PENALTIES--EXCEPTIONS.--

A. As used in this section, "animal" does not
include insects or reptiles.

B. Cruelty to animals consists of a person:

(1) negligently mistreating, injuring,
killing without lawful justification or tormenting an animal;
or

(2) abandoning or failing to provide
necessary sustenance to an animal under that person's custody
or control.

C. As used in Subsection B of this section,
"lawful justification" means:

(1) humanely destroying a sick or injured
animal; or

(2) protecting a person or animal from death
or injury due to an attack by another animal.

D. Whoever commits cruelty to animals is guilty of SB 10
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1 a misdemeanor and shall be sentenced pursuant to the
2 provisions of Section 31-19-1 NMSA 1978. Upon a fourth or
3 subsequent conviction for committing cruelty to animals, the
4 offender is guilty of a fourth degree felony and shall be
5 sentenced pursuant to the provisions of Section 31-18-15 NMSA
6 1978.

7 E. Extreme cruelty to animals consists of a
8 person:

9 (1) intentionally or maliciously torturing,
10 mutilating, injuring or poisoning an animal; or

11 (2) maliciously killing an animal.

12 F. Whoever commits extreme cruelty to animals is
13 guilty of a fourth degree felony and shall be sentenced
14 pursuant to the provisions of Section 31-18-15 NMSA 1978.

15 G. The court may order a person convicted for
16 committing cruelty to animals to participate in an animal
17 cruelty prevention program or an animal cruelty education
18 program. The court may also order a person convicted for
19 committing cruelty to animals or extreme cruelty to animals
20 to obtain psychological counseling for treatment of a mental
21 health disorder if, in the court's judgment, the mental
22 health disorder contributed to the commission of the criminal
23 offense. The offender shall bear the expense of
24 participating in an animal cruelty prevention program, animal
25 cruelty education program or psychological counseling ordered

1 by the court.

2 H. If a child is adjudicated of cruelty to
3 animals, the court shall order an assessment and any
4 necessary psychological counseling or treatment of the child.

5 I. The provisions of this section do not apply to:

6 (1) fishing, hunting, falconry, taking and
7 trapping, as provided in Chapter 17 NMSA 1978;

8 (2) the practice of veterinary medicine, as
9 provided in Chapter 61, Article 14 NMSA 1978;

10 (3) rodent or pest control, as provided in
11 Chapter 77, Article 15 NMSA 1978;

12 (4) the treatment of livestock and other
13 animals used on farms and ranches for the production of food,
14 fiber or other agricultural products, when the treatment is
15 in accordance with commonly accepted agricultural animal
16 husbandry practices;

17 (5) the use of commonly accepted Mexican and
18 American rodeo practices, unless otherwise prohibited by law;

19 (6) research facilities licensed pursuant to
20 the provisions of 7 U.S.C. Section 2136, except when
21 knowingly operating outside provisions, governing the
22 treatment of animals, of a research or maintenance protocol
23 approved by the institutional animal care and use committee
24 of the facility; or

25 (7) other similar activities not otherwise

1 prohibited by law.

2 J. If there is a dispute as to what constitutes
3 commonly accepted agricultural animal husbandry practices or
4 commonly accepted rodeo practices, the New Mexico livestock
5 board shall hold a hearing to determine if the practice in
6 question is a commonly accepted agricultural animal husbandry
7 practice or commonly accepted rodeo practice."

8 Section 2. Section 30-18-9 NMSA 1978 (being Laws 1981,
9 Chapter 30, Section 1) is amended to read:

10 "30-18-9. DOG FIGHTING AND COCKFIGHTING--PENALTY.--

11 A. It is unlawful for any person to cause,
12 sponsor, arrange, hold or participate in a fight between dogs
13 or cocks for the purpose of monetary gain or entertainment.
14 Participation in a fight between dogs or cocks for the
15 purpose of monetary gain or entertainment consists of an
16 adult knowingly:

17 (1) being present at a dog fight without
18 attempting to interfere with or stop the contest; or

19 (2) owning or equipping one of the
20 participating dogs or cocks with knowledge of the contest.

21 B. It is unlawful to train, equip or sponsor a dog
22 or cock for the purpose of having it participate in a fight
23 with another dog or cock, respectively, for monetary gain or
24 entertainment.

25 C. Any person violating the provisions of

1 Subsection A or B of this section, as it pertains to dogs, is
2 guilty of a fourth degree felony.

3 D. Any person violating the provisions of
4 Subsection A or B of this section as it pertains to cocks:

5 (1) upon a first conviction, is guilty of a
6 petty misdemeanor;

7 (2) upon a second conviction, is guilty of a
8 misdemeanor; and

9 (3) upon a third or subsequent conviction,
10 is guilty of a fourth degree felony."

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